

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
BLUEFIELD DIVISION

FREEDOM FROM RELIGION
FOUNDATION, INC., et al.,

Plaintiffs,

V.

MERCER COUNTY BOARD
OF EDUCATION, et al.,

Defendants.

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Civil Action No.: 1:17-cv-00642

Hon. David A. Faber

**DECLARATION OF JEREMIAH G. DYS IN SUPPORT OF DEFENDANTS’
STATEMENT CONCERNING PLAINTIFFS’ BASES FOR SUR-REPLY**

I, Jeremiah G. Dys, declare under penalty of perjury that the following is true and correct.

1. I am Special Counsel for Litigation and Communications at First Liberty Institute, counsel to Defendants Mercer County Board of Education, Mercer County Schools, and Deborah S. Akers (“Defendants”) in the above-captioned matter. I am a member in good standing of the Bar of West Virginia and admitted to practice before the Southern District of West Virginia.

2. I respectfully submit this declaration in support of Defendants' Statement Concerning Plaintiffs' Bases for Sur-reply.

3. Plaintiffs deposed Defendant Dr. Deborah Akers (“Dr. Akers”) as the Federal Rule of Civil Procedure 30(b)(6) witness of Defendant Mercer County Board of Education. *see* ECF No. 108.

4. Attached hereto as Exhibit A is a true and correct copy of the first and last page of the transcript of Dr. Akers's deposition.

Dated: November 22, 2019

Respectfully submitted,

By: /s/ Jeremiah G. Dys
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